



TOWN OF

# K E N S I N G T O N

JANUARY  
2004  
*JOURNAL*

## Meeting Schedule

Monday, January 26th at 7:30 p.m.

Town Meeting

Audit Committee Report

February 2, 7:00 p.m. Work Session

February 23, 7:30 p.m. Town Meeting

## Reminder

Town Offices will be closed on February 16<sup>th</sup>.  
Trash pick up will be on Tuesday, February 17<sup>th</sup>.

## Lost and Found

Please check with the Town for lost items.

## Maryland Tax Return 2003 Form 502/503

Please remember to write the Town of Kensington in the box marked city, town or taxing area. This will insure that a portion of your tax dollars will return to the Town.

Contact us at 3710 Mitchell Street, Kensington, MD 20895  
Phone: 301-949-2424; Fax: 301-949-4925;  
E-mail: [mayor.council@tok.org](mailto:mayor.council@tok.org); Web Site: [www.tok.org](http://www.tok.org)

## Mayor's Report

### **Happy New Year from the Mayor's Desk 2004**

#### **Brief Annual Report on the State of the Town of Kensington**

I am pleased to provide our citizens with a brief annual report of the status of the State of the Town of Kensington. Our Town is healthy and vibrant thanks to our residents and business owners.

It was a successful year full of challenges. We have continued our infrastructure improvements repairing sidewalks and storm drains as well as the paving of streets. We have continued to restore our Town Hall Community Center completing a lead abatement program and installing a fire alarm system.

Another year with a balanced budget. With expenses rising and less shared revenue for municipal governments we have been able without raising taxes to provide quality services and improvements to the infrastructure and maintain our small Town ambiance.

This past year was particularly rewarding for your Mayor. June marked the end of my one-year tenure as President of the 157 municipalities in the State. This entailed a significant number of hours of time each week, but enabled me to influence the other levels of government by providing an opportunity to discuss the concerns of municipal government with both the State and Counties of Maryland.

This administration is continuing our pursuit of solutions to the ever growing traffic problems we face in our Town. We are continuing communication with State and County officials to assure their support in identifying the most critical intersections in Kensington. It is our goal to provide a pedestrian friendly Town. It becomes more difficult each year with the increase of commuter traffic traversing our Town. However we will continue to pursue traffic related relief as a number one priority.

All of us are aware that for our Town to continue to be a desirable residential community we must have a vibrant commercial district. Therefore we continue to encourage revitalization to our commercial district and look for new ways to enhance the whole Town.

Our top 11 activities are highlighted below. As you know from your personal interaction with the Council and me these are only a few of the activities we have been involved in this year.

1. Howard Avenue Phase III completed this year. Trees were planted behind the wall along the railroad tracks. They were beautiful this summer when in full bloom. We look forward to the additional gateway signs to be installed in the spring of this year.
2. The lead abatement was completed in the old rifle range. Working with Montgomery Municipal Cable we were able to rebuild the municipal

public access channel studio. The station, owned and operated by Montgomery County municipalities, now has state of the art equipment and a studio to be proud of.

3. Our Town Community Center had a fire alarm system installed this year; the building is in compliance with all fire related building codes.
4. We have continued to upgrade St. Paul Park with major improvements. All of our parks have enjoyed landscape improvements this past year under the skillful hands of David Gregg.
5. Maryland National Capital Park & Planning Commission is granting us \$50,000 in Historic Grant funds to restore the Kensington Cabin. This project has taken two years of preparation to reach the goal of a grant. Hopefully the restoration will begin this year. The building will be used for local groups to rent from the Town and we are hoping a summer program will be planned for the children of Kensington when the building is fully restored. We thank the Woman's Club of Kensington and the Woman's' Community Club of Kensington for their donations to the restoration and maintenance of the cabin.
6. We have continued our tree maintenance plan. All street trees were elevated and cleaned of dead wood. Many new trees have been planted to replace those damaged by storm or declared dead and dangerous by the State Forester.
7. Our Labor Day Parade was the best ever thanks to Jenny Smith. Jenny was able to secure four local high school bands that were a great addition to our parade. Jenny is passing her chairman position on to new coordinators after three years of dedicated service to our Town. We will miss her as the coordinator; she has improved the overall parade each year. Thanks Jenny Smith for a job well done.
8. The 4th of July Bike Parade was a great success thanks to Margaret Fitzpatrick. Margaret was able to attract more children with beautifully decorated bikes to join us this year. It was a great day and all had a wonderful time.
9. Thanks to Val Deale for our Kite Festival. We were pleased to enjoy a lovely day in October watching kites of all colors and designs flying high in our community. As always the children had a great time making kites to fly.
10. The Town Picnic in June was well attended. Some old fashioned games were introduced and everyone enjoyed being together on a warm summer day. Thanks to our coordinators Sherrie Holdridge and Kim Lehman.

11. Our Holiday Celebration in December was a time of warmth and friendship thanks to Tracy Furman and Debra McCurry.

The Mayor thanks the Town Council for their involvement, support and dedication to the Town.

On behalf of the whole Town I thank all of our volunteers who put in many hours of personal time to make each of our Town events a wonderful experience for all of us. How lucky we were none of our events were rained out in 2003. We all look forward to 2004 being another prosperous year for our Town.

If anyone would like to feel the satisfaction and friendship of helping with any of our events during the year please call the Town Office. New faces with fresh ideas are always welcome.

## Council Reports

### **Council Member Pfautz**

The Tree Board met on Wednesday, December 17, 2003 to discuss the request for street tree removal at 3923 Prospect Street. The Board notes that construction at the property and future plans for front-yard landscaping are the motivating factors for the request.

There are two Norway Maples in the Town right-of-way. The trees were planted by the Town approximately 10-15 years ago. One is in poor condition, the other healthy. The Tree Board notes that Norway Maples are very invasive and are not currently on the “approved” tree list (in fact have been banned by some jurisdictions). Therefore, it recommends removal of the trees because of their condition and species but at the owner’s expense due to the motivating factors (tree removal to include stump grinding). Additionally, the Board recommends that the homeowners replace, at their own expense, at least one of the trees (two if it is decided by the state forester there is enough room) from the approved tree list. The Tree Board deferred consideration on where replacement tree(s) should be planted in the Town right-of-way or perhaps on the other side of the sidewalk on the owner’s property (per Montgomery County Historic Preservation Commission guidance). The Tree Board recognized that recommending placement of a tree on private property vs. Town property would be a departure from current practice, but felt it might make most sense in this situation (and final decision could wait until after the sidewalk is repaired and re-graded). Either way, the Board felt it would be important to review the applicant’s proposed landscaping plans before making a recommendation for a replacement tree(s) because the most suitable type will be determined by whether the tree(s) is to (1) be placed under power lines with more contained root systems so as not to damage the integrity of the brick sidewalk in the future or (2) be placed on applicant’s property allowing for a larger species with more canopy.

### **Council Member Timlin**

Dear Kensingtonites,

I arrived on the Council in July of 2003, as an undecided candidate – “undecided” on the crucial issue of the Safeway plan before us. While I stated at the candidate’s forum in

May that I was in favor of having a modern Safeway, I had very much reserved judgment regarding the specifics on which I might be asked to weigh in. Also, I had concerns relating to the treatment of Armory Avenue (height, aesthetics, trash and trucks) and to traffic. I respected and listened to the voices of caution on this issue.

It is my opinion – having seen the final version of the plans and Safeway’s presentation – that those voices and others assisting in the project design have together with Safeway reached a plan for a new building that will be a grand improvement to the Connecticut Avenue corridor. The building has been moved back from Armory, the height has been reduced, pedestrian access improved, façade aesthetics and treatments have been added, and landscaping on Armory added. This new design will offer some secluded green space in an Armory Avenue pedestrian park in back of the building, will reduce noise and “view” pollution by enclosing trash and truck unloading inside the garage, and will ultimately revitalize a major anchor tenant that draws so much business into our downtown. A vital and vibrant downtown is as crucial to residents as to the merchants themselves. In addition, the traffic plan and improvements offered by Safeway for this renovation along a major commuter route will bring about some changes that needed to occur -- Safeway or not.

I urge anyone who has any remaining concerns to view the plans still available in Town Hall, to communicate with the Council, and with the MNCPPC as they consider this project. I hope that we can get this plan behind us, and begin to come together on other important Revitalization issues in our downtown. Happy New Year!



Revitalization

Toolbox

#### Revitalization Committee      Promotions Group

The promotions group is laying the foundation for a monthly promotional event in Town – to begin this Spring. This event may take the form of a Third Thursday or another “bring-in-the-customers” type of event. So far, participation rates have been very high. A block captain has been assigned for most of the downtown areas.

Please feel free to volunteer for this group. Send inquiries to

[Mayor.Council@tok.org](mailto:Mayor.Council@tok.org).

### Ethics Commission Report

Members of the Town of Kensington Ethics Commission, Ted Rosche and Fred Zusy, attended a state-wide Ethics Conference in Annapolis on October 23. Among those leading the work group sessions were Dorothy R. Fait, Chairperson of the State Ethics Commission; Jennifer K. Allgair, Staff Council of the Commission; Robert A. Hahn, the Commission’s General Counsel; Elizabeth K. Keller, Chair of the Montgomery County Ethics Commission, and Barbara McNally, Executive Director of the county group. Discussion topics included financial disclosure, lobbying, conflict of interest, secondary

employment and problems specific to small or large jurisdictions. The conference was planned in cooperation with the Maryland Association of Boards of Education and the Maryland Municipal League.

As a result of these discussions, members of the Town Ethics Commission suggested that Town officials and residents be reminded of the general provisions of the Kensington Public Ethics Code. Accordingly, key provisions of this code are summarized below (the full text is available in the Town Office).

### **Kensington Public Ethics Code**

The Town of Kensington, recognizing that its system of representative government is dependent in part on people maintaining the highest trust in its public officials and employees, finds and declares that the public has a right to be assured that the impartiality and independent judgment of public officials and employees will be maintained. For the purpose of guarding against improper influence, the Town Council enacts this Article to require Town officials and employees to disclose their financial affairs and to set minimum standards for the conduct of Town business....

Officials and employees of the Town of Kensington shall not:

- Participate on behalf of the Town in any matter which would have a direct financial impact on them, their immediate family or a business entity with which they are employed or in which they have a direct financial interest...
- Represent any party, for a contingent fee, before any Town body...
- Use the prestige of their office for their own private gain...
- Use confidential information acquired in their official Town capacity for personal gain...
- Hold any outside employment relationship that would impair impartiality or independence of judgment ...

No official of the Town of Kensington may knowingly accept any gift or gifts of greater value than \$50 in value from any person, firm or corporation, who the official knows is doing or seeking to do business with the Town, is engaged in activities which are regulated or controlled by the Town or has a financial interest which may be substantially or materially affected by the performance or nonperformance of said official's duties...

All officials, non-incumbent candidates for elective office and proposed appointees shall disclose to the Ethics Commission the details of any conflict of interest which they may have with any contemplated action by the Town, resulting from any financial...or other personal interest... which such actions may have on them.

Town officials shall file annually no later than January 31 of each calendar year a statement with the Town's Clerk-Treasurer disclosing all gifts in excess of \$25 in value or a series of gifts totaling \$100 or more in value received in the preceding calendar year

from any one person or entity doing business with, seeking to do business with, or subject to the regulatory authority of the Town.

Each lobbyist shall file a registration statement with the Clerk-Treasurer no later than January 31 of the calendar year in which the lobbyist intends to appear and/or communicate with the Town (or within 20 days after making such an appearance or communication). All lobbyists shall file an annual report disclosing any gift provided to a Town official.

### Building Permits Issued

Two car garage/2nd story at 10213 Montgomery Avenue  
Sign at 10525 Summit Avenue  
Sign at 10616 Connecticut Avenue

### "If I Were Mayor I Would . . . " Contest

The Maryland Municipal League (MML) and the Maryland Mayors' Association invites 4th grade students throughout Maryland to participate in a statewide essay contest. Contest deadline is March 1, 2004. For more information contact MML at 1-800-492-7121 or [www.mdmunicipal.org](http://www.mdmunicipal.org)

### Town Yard Sale

We have not had anyone volunteer to organize the Town Yard Sale for 2004. If you are interested in organizing it, please contact the Town Office.

### Town Meeting

November 24, 2003

Mayor Raufaste called the Meeting to order at 7:30 p.m. with Council Members Carr, Cowan, Pfautz, and Timlin, Director of Operations Furman, and Clerk-Treasurer Engels present. The Pledge of Allegiance was recited. A Moment of Silence was observed for two residents, Lucille Conn and Joseph Rabic, Jr., who recently passed away.

The Mayor read a proclamation declaring the month of November as American Indian Heritage Month to recognize and appreciate the valuable contributions of American Indians in our community.

The Mayor and Council discussed an HPC sign application for a banner at 3730 Howard Avenue. HPC will be informed of the Town's sign ordinance.

The Mayor and Council discussed a request for re-grading a sidewalk and removal of two Town trees at 3923 Prospect Street. The Council will have the Tree Board meet to discuss the request for removal of the trees.

The Mayor and Council did not present monthly reports due to time constraints.

The Mayor and Council viewed a film on *The Dollars and Sense of Preserving Community Character*.

Council Member Carr discussed expansion of the MARC train service. He proposed that the Kensington Council work with other municipalities through our municipal league chapter to support extending MARC Brunswick line train service into Virginia. The Council will review the information and discuss at a Work Session.

### **Council Actions**

Council Member Pfautz moved to inform HPC that banners are not approved in the Town. Council Member Timlin seconded and it passed unanimously.

Council Member Pfautz moved to approve the minutes from the October 27, 2003 Town Meeting and the November 3, 2003 Work Session. Council Member Carr seconded and it passed unanimously.

There being no further business, the meeting adjourned at 10:10 p.m.

### **Work Session of Mayor & Council**

December 15, 2003

The Work Session commenced at 7:00 p.m. Mayor Raufaste, Council Members Carr, Cowan, Pfautz, and Timlin, Director of Operations Furman, Clerk-Treasurer Engels and Code Enforcement Officer Hamilton were present and the following issues were addressed:

The Mayor presented a plaque to John S. Stubbs proclaiming December 31, 2003 as John Stubbs Day in the Town of Kensington in recognition of his 94<sup>th</sup> birthday and his residency in the Town since birth.

Craig Pettinati, President of Kensington Arts Theatre was present and requested the use of temporary bleachers in the drill hall during his shows in order to elevate the seating. The bleachers would occupy the drill hall for four weeks during each show and then be taken apart and stored on the stage. The Mayor and Council will discuss this further at a Work Session.

Tom Castleberry from Safeway and Allen Mushinsky, from MR&A Architects, presented Safeway's final plans to the Council. They listened to Council and citizen input and will take suggestions into consideration. Wes Guckert from the Traffic Group was also present and answered questions about the traffic study that was done for Safeway. Council Member Carr requested that Safeway consider utility undergrounding, adding new period street lights (the Mayor confirmed with Safeway that they would use the same streetlights as had recently been installed along Howard Avenue), increasing the sidewalk width on Connecticut Avenue, ensuring that there would be no glare or light trespass from the garage entrance, and enhancement of the pedestrian crossing distance across Knowles at Armory Avenue. Safeway said that they would consider donating the house at 10422 Armory Avenue so that it could be moved rather than torn down if someone



stepped forward with such a proposal. Council Member Cowan requested that Safeway restrict deliveries to certain hours.

Due to time constraints, the project list, code enforcement action list, review of minutes and correspondence were not addressed and will be addressed at the next Work Session.

There being no further business, the meeting adjourned at 10:20 p.m.

## Work Session of Mayor & Council

January 5, 2004

The Work Session commenced at 7:05 p.m. Mayor Raufaste, Council Members Carr, Cowan, Pfautz, and Timlin, Director of Operations Furman, Clerk-Treasurer Engels and Code Enforcement Officer Hamilton were present and the following issues were addressed:

Per Council agreement at the November 3, 2003 meeting, Joe Cutro, Traffic Engineer, was hired to provide professional guidance on traffic calming options for Wake Drive. He presented his findings and options at the Work Session. As a first measure, the Mayor and Council agreed to improve signage on Southbound Frederick Avenue at Wake Drive, Frederick Avenue at Kent Street, Kensington Parkway at Kent Street, and speed hump signage on Wake Drive as Mr. Cutro recommended. The Council also discussed possible further measures, if the improved signage does not improve the situation significantly, such as narrowing Wake Drive by adding a sidewalk using temporary curbs to improve pedestrian safety. Any additional measures will be reviewed in conjunction with the budget process. Other traffic concerns discussed were speeding on Plyers Mill Road and pedestrian safety crossing Lexington Street which will be discussed further at a Work Session along with other traffic hot spots.

The Mayor and Council discussed Council Member roles and responsibilities particularly with regard for the need to ensure that there is Council agreement on a project before any individual Council Member consults with state and/or local officials to promote it.

The Mayor informed the Council that the storm water variance for the Heon property, Lots 13 and 14, Block A, Kensington Park has expired.

The Mayor and Council discussed the level of health insurance paid by the Town for new employees.

The Council agreed to the Tree Board's recommendation of removing both trees at 3923 Prospect Street, at owner expense along with future planting of replacement tree(s). The Council discussed the need for sidewalk re-grading at this property and agreed to cover the cost for sidewalk repair that needs to be done now with the owner responsible for the remaining cost.

The Mayor and Council agreed to ask the two women recommended by Jenny Smith to coordinate this year's Labor Day Parade, even though neither resides in the Town (they do live close by and have been involved in planning Town events).

The Project List was reviewed and updated.

The Code Enforcement Action List was reviewed.

The Minutes from November 24 and December 15, 2003 were reviewed.

There being no further business, the meeting adjourned at 10:45 p.m.

### **Council Actions**

Council Member Pfautz moved to amend the Personnel Policy for employees hired after January 5, 2004 to provide that the Town pay for 100% of one of the following choices only: Blue Choice HMO, Kaiser HMO or Optimum Choice HMO, including prescription coverage for employees and their families. Council Member Timlin seconded and the motion passed unanimously.